

# CITY OF BLOOMINGTON PARK TRAILS, REGIONAL TRAILS & SIDEWALKS USAGE POLICY

(September 18, 2013 Draft)



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## ATTACHMENTS

**Attachment 1 - Three Rivers Park District ADA policy guide**

**Attachment 2 - City of Bloomington Active Living Biking and Hiking Guide**

## **I. GOALS/OBJECTIVES**

The overall goal is to establish a policy for the appropriate management of City park trails, regional trails, and sidewalks; taking into account the increasing use of a diverse range of personal mobility devices (PMDs). The policy addresses various types of activities and modes that use trails and sidewalks, identifies potential conflicts among these uses, describes general principles for managing facility use, addresses compliance with the Americans with Disabilities Act (ADA) and outlines appropriate planning, management and education strategies for minimizing usage problems.

As established in the *Imagine Bloomington 2025* strategic planning initiative, and the City's *Alternative Transportation Plan*, the following goals and objectives guide this policy.

- **Healthy:** We support actions that promote our physical and emotional well-being.
- **Enjoyable:** We have high quality recreation and open spaces available to all.
- **Maintains and preserves public assets:** We protect our environmental resources and maintain quality public facilities.
- **“Complete streets” vision:** We support this vision whereby pedestrians, bicyclists, motorists, and transit riders of all ages and abilities seek a reasonable opportunity to safely and enjoyably move around the city.
- **“Active living by design”:** We support this movement whereby active living is a way of life that integrates physical activity into daily routines.

## **II. BACKGROUND**

In recent years, the usage of Personal Mobility Devices (PMDs) has seen noticeable increases. City staff has also become more aware of the technology of electric-motor PMDs, and ways in which the public is using them to enhance transportation and recreational experiences, blending both fitness and reduced-carbon transportation objectives. A selected number of electric-motor PMDs have been differentiated from other types of motorized vehicles and are narrowly defined in both Federal and State laws.

In April, 2010 City staff undertook a study entitled *Alternative Transportation Plan Implementation – Personal Mobility Devices on City Parks, Trails and Sidewalks* to develop recommendations on which PMDs should be permitted on City parks, trails and sidewalks and provided recommendations governing that usage. This study was the impetus for creating the *City of Bloomington Park Trails, Regional Trails & Sidewalks Usage Policy*

In 2011 the Three Rivers Park District approved a policy guide related to the implementation of the American with Disabilities Act (ADA) as it relates to the use of PMDs. Since Three Rivers Park District and the City jointly manage the Hyland-Bush-Anderson Lakes Regional Park Reserve, and since the Park District provides regional trails throughout Hennepin County, and is planning to construct a new regional trail in Bloomington, it would be prudent for the City and



Park District to maintain similar policies regarding trails use, ADA and use of PMDs. The Three Rivers Park District ADA policy guide is attached (see Attachment 1).

### **III. INTRODUCTION**

Per the Bloomington City Code, the City has the authority to establish and enforce regulations pertaining to use of City parks and trails (Section 5.20). The City Code also empowers the Park Director to provide “reasonable orders or directions” as to the use of City parks. The City Code provides regulations pertaining to prohibited activities on pedestrian pathways and bikeways, as well as the use of bicycles on City sidewalks (Section 8.96). It is under this authority that the City of Bloomington Park Trails, Regional Trails & Sidewalks Usage Policy has been created.

Effective March 15, 2011, the United States Department of Justice revised rules regarding the use of “other power-driven mobility devices” (OPDMDs) to be used by “individuals with mobility disabilities” in public places such as parks, trails and sidewalks. In accordance with these rules, the City, as well as other public agencies around the country, will allow appropriate OPDMDs in parks, trails and sidewalks to assist persons with mobility disabilities to more fully enjoy park areas, facilities and trails.

In 2012 the Minnesota State Legislature, as part of the 2012 Omnibus Transportation Bill, changed and clarified language and laws related to electric-assisted bicycles. These changes to State Statutes sections 85.015 and 169.011, went into effect August 1, 2012 and are incorporated into this policy.

The City has assessed the trails within the City parks system to determine any limitations on OPDMDs, identify the areas where they are permitted, describe the characteristics of allowed devices, and establish rules for safe use.

### **IV. CONTACT INFORMATION**

For questions pertaining to this policy, please contact City of Bloomington Parks and Recreation Division, 952-563-8877 or at [parksrec@ci.bloomington.mn.us](mailto:parksrec@ci.bloomington.mn.us).

### **V. DEFINITIONS**

*Assorted other power-driven mobility devices (AOPDMDs)* – for the purposes of this policy, includes all AOPDMDs that are:

- Not primarily designed nor used by individuals with mobility disabilities for the purpose of locomotion
- Typically prohibited for use on City park trails, regional trails and sidewalks.

AOPDMDs include but are not limited to: electric-powered stand on scooters, trail bikes, mini-bikes, mini-trucks, go-carts, two-wheel scooters, power skateboards, neighborhood electric

vehicles, Yike Bikes, Mopeds, golf carts, all-terrain vehicles, motorized bicycles (not electric-assisted bicycles), motorcycles, snowmobiles, pocket bikes, etc.)

AOPDMDs are not usually subject to state regulation while they are being operated on private land, including private driveways. However, once they venture onto streets, roads, parks, park and regional trails, they are subject to State and local regulations. With the introduction of mini-trucks, electric-powered stand on scooters, and neighborhood electric vehicles, recent changes in Minnesota law have expanded the assortment of vehicles that can be operated on public roadways.



*Neighborhood Electric Vehicle*



*Mini-Bike*



*Electric-Powered Stand On Scooter*

***Bicycles*** - vehicles with two wheels tandem, a saddle seat, handlebars for steering, and pedals by which it is propelled.

***City park trails*** - trails, pathways or sidewalks located with City parks. City park trails can be a natural or improved surface.

***Disability*** - means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (Americans with Disabilities Act §35.104).

In accordance with the U.S. Department of Justice, the following assessment factors have been used to determine whether a particular OPDMD can be allowed within a specific facility as a reasonable accommodation:

- Size, weight, dimensions and speed of the device.
- The facility's volume of pedestrian traffic.
- The facility's design and operational characteristics.
- Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the facility.
- The potential for serious harm to environmental, natural and cultural resources.

***Electric-assisted bicycles*** - have a saddle, two or three wheels, and fully operable pedals for human propulsion. Electric-assisted Bicycles (E-bikes) have an electric motor that (1) has a power output of not more than 1,000 watts; (2) is incapable of propelling the vehicle at a speed of more than 20 miles per hour; (3) is incapable of further increasing the speed of the device when human power alone is used to propel the vehicle at a speed of more than 20 miles per hour; and (4) disengages or ceases to function when the vehicle's brakes are applied. E-bikes must follow all traffic laws as bicycles, but local government may regulate their use on trails and sidewalks.



Electric-Assisted Bicycle

***Electric personal assistive mobility devices (Segways)*** - a self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour.

***Electric-powered ride on toys (kiddie cars)*** - electric-powered ride on toys designed for children under nine years of age, that utilizes a battery no larger than 12 volts and the maximum speed of the motor is 6 mph.

***Motor vehicles*** - motor vehicles and motorcycles shall have the same meaning as set forth under the definitions contained in the Minnesota Highway Traffic Regulation Act, Minnesota Statutes Annotated 169.01. Permits may be issued for motor vehicles to access City parks and trails for specific activities or events within a limited timeframe. These include but are not limited to: automobiles, trucks, golf carts, neighborhood electric vehicles, mini-trucks, and all-terrain vehicles.

***Motorized wheelchairs or mobility scooters*** - manually-operated or power-driven devices designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion. (Americans with Disabilities Act §35.104) For the purposes of this policy, wheelchairs, motorized wheelchairs and mobility scooters are considered personal mobility devices (PMDs).



*Motorized Wheelchair*



*Motorized Scooter*

***Multiple-use trails*** - trails that are open to multiple modes of transportation including but not limited to pedestrians, bicycles, wheelchairs, mobility scooters, dog walkers, etc.

***Other non-motorized wheeled conveyances*** - wheeled conveyances that are powered by the individual user including but not limited to: skateboards, in-line skates, push-type scooters, roller skis, baby strollers, wagons and burleys.

***Other power-driven mobility devices (OPDMDs)*** - any mobility device powered by batteries, fuel, or other engines – not designed primarily for use by an individual with mobility disabilities – but are used by individuals with mobility disabilities for the purpose of locomotion, including electronic personal assistance mobility devices (EPAMDs), such as the Segway, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a motorized wheelchair or mobility scooter within the meaning of this section. (Americans with Disabilities Act §35.104 and §36.104).

***Pedestrians*** - a person who goes or travels on foot. This includes walkers, joggers and runners.

***Personal Mobility Devices (PMDs)*** - motorized wheelchairs, mobility scooters or wheelchairs designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion. (Americans with Disabilities Act §35.104)

***Regional trails*** - trails, pathways or sidewalks that are designated by the City and/or Three Rivers Parks District as a regional trail. Regional trails are often located within a park or a street ROW. These trails are typically designed to American Association of State Highway and Transportation Officials (AASHTO) bicycle trail standards intended for a variety of pedestrians, bicycles, and other non-motorized trail devices. Regional park trails are typically paved or limestone.

***Segways*** - defined in Minnesota statutes as “electric personal assistive mobility devices”, which means a self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour. Segways are not required to be registered and operators do not need to be licensed. A person operating a Segway has the rights and responsibilities of a pedestrian, and as such, they can be operated on City sidewalks and park trails, including pedestrian-only

trails. Segways operated on a sidewalk or bicycle path must yield the right-of-way to pedestrians and bicycles at all times.



*Segway*

***Sidewalks*** - that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines or easements intended for the use of pedestrians, bicycles and PMDs.

***Tricycles*** - vehicles with three wheels, a saddle seat, handlebars for steering, and pedals by which it is propelled. There are two types of tricycles: adult tricycles that function similarly as a bicycle, although some models have hand cranks; and youth tricycles that are used by pre-school aged youth that include *Big Wheel* type riding toys.

***Wheelchairs*** – a device designed solely for use by an individual with mobility impairment for the primary purpose of locomotion in typical indoor and outdoor pedestrian areas. A wheelchair may be manually operated or power-driven. For the purposes of this policy, wheelchairs, motorized wheelchairs and mobility scooters are considered personal mobility devices (PMDs).

## **VI. GENERAL GUIDELINES**

- A. Users of park trails, regional trails and sidewalks shall adhere to the traffic regulations applicable to pedestrians in Minnesota Statutes Chapter 169 and the Bloomington City Code.
- B. **Designation of City Park trails**
  - 1. City park trails shall be considered multiple-use trails unless designated and posted as pedestrians-only, bicycles-only, or other recreational activity use-only trails.
  - 2. No person shall operate a bicycle on any City park trail posted or otherwise designated for pedestrians only; and no person shall walk, jog or run on any City park trail posted or otherwise designated for bicycles only. The use of other non-motorized wheeled conveyances is permitted on bicycles-only trails.



See Attachment 2 for the current City of Bloomington Active Living Biking and Hiking Guide, which includes maps of the designated pedestrian-only and bicycle-only trails in the City.

**C. Designation of regional park trails**

1. Trails shall be designated by the City and/or Three Rivers Park District as a regional trail.
2. Regional trails shall meet the requirements of Metropolitan Regional Parks System Regional Trails as defined in the current Metropolitan Council Regional Parks Policy Plan.
  - a. To qualify for regional trail status, an existing or proposed trail must serve a regional audience, based on visitor origin and service-area research on regional trails, and should not duplicate an existing trail.
  - b. The trail may include part of an existing county or local trail if it is a destination itself, providing a high-quality recreation experience that traverses significant natural resource areas where the trail treadway will have no adverse impact on the natural resource base, and/or it links two or more units of the regional recreation open space system.
3. Regional trails shall be considered multiple-use trails unless designated by the Park Director for a specific recreational activity use-only.
4. Users of regional trails shall comply with all regulations and policies of the property owner where the regional trail is located (i.e. City of Bloomington, Minnesota Department of Natural Resources, Three Rivers Park District or United States Fish & Wildlife Service).

**D. Current language in the City Code** (Chapter 5, Article III, Sec. 5.21) states in part that:

1. No person shall drive or operate a motor vehicle in any park except on roads or designated parking areas or such other areas as the Park Director shall designate, and no person shall operate a motor vehicle within a park at a speed in excess of 15 miles per hour.
2. Since the City Code allows the Park Director to designate areas in parks where motorized vehicles may be driven, the use of PMDs, e-bikes and other motorized vehicles may be permitted via this policy without having to amend the City Code.

**E. Other power-driven mobility devices (OPDMDs)**

1. Operators of all mobility devices must adhere to State Statutes, City Code and City park ordinances for their safety, the safety of other trail or sidewalk users, and for the protection and preservation of the property, facilities, and natural resources of the City.
2. Certain OPDMDs as approved in this policy may be used on City park trails and sidewalks by individuals with mobility disabilities for the purpose of locomotion.

**F. Personal mobility devices (PMDs) must be electric powered only**

The exclusion of gas-powered devices as compared to electric-powered devices is due to several factors:

1. The noise of gas-powered devices produces a significant zone of disturbance to the activities of native wildlife.
2. The noise and excessive fumes of gas-powered devices negatively impact the experience of other trail and sidewalk visitors.
3. Gas emissions from small engines emit high levels of carbon monoxide, a colorless, odorless, poisonous gas which is known to negatively affect human and plant health.

**G. Personal mobility devices (PMDs) use guidelines**

1. PMDs are not permitted in areas that are closed, designated as “staff only” or identified as protected.
2. The use of PMDs must not damage natural and/or cultural resources or wildlife habitat.
3. Operators of PMDs, and the devices themselves, must have the capacity to safely negotiate sidewalk or trail features and obstructions.
4. The City does not accept responsibility for storage of PMDs.
5. The City does not accept liability for damage to PMDs, stuck vehicles, or injury to operator whether caused by the operator, another visitor, or the sidewalk/trail conditions.
6. The City does not accept liability for damage caused by the operator of the PMD, or injury to others caused by the operator of the device.
7. The City reserves the right to suspend use of park facilities or sites by the operator if doing so is in the best interests of the City.

**H. Inquiry into use of other power-driven mobility devices (OPDMDs)**

The City reserves the right to ask a person using an OPDMD to provide credible assurance that the mobility device is required because of disability. Credible assurance includes a valid, State-issued disability parking placard or card, or other State-issued proof of disability. In lieu of these items, the City shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability.

**I. Inquiry about disability**

The City will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual’s disability.

- J. The City reserves the right to change, modify, or amend this policy at any time.

**VII. PEDESTRIANS**

- A. Pedestrians shall adhere to the traffic regulations applicable to pedestrians in Minnesota Statutes Chapter 169 and the City Code.
- B. Pedestrians are permitted on all City sidewalks, regional trails, and park trails except bicycle-only trails and those trails designated by the Park Director for a specific recreational activity use-only.

- C. Pedestrians may push or pull wheeled conveyances such as baby strollers or wagons , provided they yield right of way to other pedestrians on the sidewalk or trail.
- D. Runners and joggers should yield right of way to other pedestrians on the sidewalk or trail.

## **VIII. WHEELCHAIRS AND MOBILITY SCOOTERS**

- A. The use of both human-powered and electric-powered wheelchairs and electric-power seated mobility scooters “used by a person with a disability as a substitute for walking” are permitted on all sidewalks, regional trails and City park trails, including those that are designated as pedestrian-only.
- B. The use of wheelchairs and mobility scooters “used by a person with a disability as a substitute for walking” are permitted on the Minnesota River Valley trails, including those properties owned and managed by the United States Fish and Wildlife Service.
- C. Wheelchairs and mobility scooters can be used in areas open to pedestrians (Americans with Disabilities Act 35.104 and 36.104). Individuals should check on seasonal closings of areas, sidewalks and trails and for conditions of sidewalks/trails and other use areas to make an informed decision about whether devices can be safely used. Trails may have irregular tread widths and may not include trail shoulders. There could be trees or other natural obstacles close to the trail corridor, and trails could be eroded or muddy. There may be trail boardwalks or bridges that make traversing with a wheelchair or mobility scooter more challenging or impassable at times.

## **IX. BICYCLES**

- A. Adult tricycles shall be treated the same as bicycles under this section.
- B. Every person operating a bicycle within the City shall adhere to the traffic regulations applicable to bicycles in Minnesota Statutes Chapter 169 and the City Code (Section 8.96). City Code permits the use of bicycles on City sidewalks. The City may choose to amend the City Code in the future as it pertains to the use of bicycles (i.e. restrict usage of bicycles on sidewalks in high density, mixed use areas.)
- C. Persons riding a bicycle on City park trails, regional trails or sidewalks must:
  1. Yield right-of-way to any pedestrian or individuals utilizing PMDs or OPDMDs on the sidewalk or trail. Yielding the right-of-way shall mean leaving the sidewalk or trail if necessary.
  2. Slow to a safe speed when approaching and passing other sidewalk or trail users.
  3. Ride as close to the right-hand side of the sidewalk or trail as conditions permit.
  4. Stay on the right side of trails marked with a solid or dashed yellow centerline.

5. Ride in a prudent and careful manner, and at a speed no faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.

D. Persons riding a bicycle are encouraged to wear an approved bicycle helmet.

## **X. ELECTRIC-ASSISTED BICYCLES**

- A. All persons using electric-assisted bicycles on sidewalks, City park trails and regional trails shall comply with all policies governing the use of bicycles as listed in Section IV above.
- B. The use of electric-assisted bicycles on sidewalks, regional trails and City park trails is permitted, except those trails that are designated as pedestrian-only.
- C. The use of electric-assisted bicycles on the Minnesota River Valley trails is prohibited, as many sections of these trails are subject to MnDNR and USF&W regulations which currently prohibit motorized vehicles on their trails.
- D. No person under the age of 15 may operate an electric-assisted bicycle on City parks, City park trails, regional park trails and sidewalks.
- E. All persons operating an electric-assisted bicycle on sidewalks, City park trails and regional trails shall wear properly fitted and fastened headgear that meets the American National Standard for Protective Headgear for Bicyclists, ANSI Z90.4-1984, approved by the American National Standards Institute, Inc.
- F. Eye protection devices are not required for operators of electric-assisted bicycles.

## **XI. SEGWAYS**

- A. The use of Segways is permitted on City park trails, regional trails, or sidewalks excluding those that are designated as bicycle-only. Segways are permitted on pedestrian-only City park trails.
- B. The use of Segways is not permitted on the Minnesota River Valley trails owned and managed by the United States Fish and Wildlife Service, except as a PMD “used by a disabled person as a substitute for walking.”
- C. Persons riding a Segway on City park trails, regional trails or sidewalks must:
  1. Yield right-of-way to any pedestrian or individuals utilizing PMDs or OPDMDs on the sidewalk/trail. Yielding the right-of-way shall mean leaving the sidewalk/trail if necessary.
  2. Slow to a safe speed when approaching and passing other sidewalk/trail users.



3. Ride as close to the right-hand side of the sidewalk/trail as conditions permit.
4. Stay on the right side of trails marked with a solid or dashed yellow centerline.
5. Ride in a prudent and careful manner, and at a speed no faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.

D. Persons riding a Segway are encouraged to wear an approved bicycle helmet.

## **XII. ASSORTED OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMDs)**

- A. The following OPDMDs may be used on City park trails on a permit basis by individuals with mobility disabilities for the purpose of locomotion: golf carts and neighborhood electric vehicles. See Sections IX and XIII for relevant regulations and restrictions.
- B. The following OPDMDs may not be operated on City park trails, regional trails or sidewalks: electric-powered stand on scooters, trail bikes, mini-bikes, mini-trucks, go-carts, two-wheel scooters, power skateboards, Yike Bikes, Mopeds, motorized bicycles (not electric-assisted bicycles), motorcycles, snowmobiles and pocket bikes.
- C. Persons riding OPDMDs on City park trails, regional trails or sidewalks must:
  1. Yield right-of-way to any pedestrian or individuals utilizing PMDs on the sidewalk or trail. Yielding the right-of-way shall mean leaving the sidewalk or trail if necessary.
  2. Slow to a safe speed when approaching and passing other sidewalk or trail users.
  3. Ride as close to the right-hand side of the sidewalk or trail as conditions permit.
  4. Ride in a prudent and careful manner, and at a speed no faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.
  5. Stay on the right side of trails marked with a solid yellow centerline.

## **XIII. ELECTRIC-POWERED RIDE ON TOYS (KIDDIE CARS)**

- A. The use of electric-powered ride on toys is permitted on City park trails and sidewalks, as long as the operator is ten years of age or younger.
- B. The use of electric-powered ride on toys is prohibited on:
  1. The Minnesota River Valley trails, as many sections of these trails are subject to MnDNR and USF&W regulations which currently prohibit motorized vehicles on their trails.
  2. Those trails that are designated as pedestrian or bicycle-only.
  3. Designated regional trails.
- C. All persons operating an electric-powered ride on toy shall:
  1. Wear an approved bicycle or motorcycle helmet.
  2. Be accompanied by a responsible adult.
  3. Yield right-of-way to any pedestrian or a person riding an OPDMD.
  4. Ride in a prudent and careful manner and at a speed no faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.

- 5. Stay on the right side of trails marked with a solid yellow centerline.
- D. Electric-powered ride on toys shall not be operated on a driveway or parking lot where motor vehicles are permitted.

#### **XIV. USE OF MOTOR VEHICLES**

- A. No person shall drive or operate a motor vehicle in any City park or trail except on roads or designated parking areas or such other areas as the Park Director shall designate.
- B. No person shall operate a motor vehicle within a park at a speed in excess of 15 miles per hour.
- C. City staff in the performance of their duties may operate motor vehicles in City parks and trails for activities including but not limited to: maintenance; construction; parks, recreation and leisure activities; loading/unloading equipment and supplies; and park inspections.
- D. The Park Director or designee may issue a permit to members of the general public to drive motor vehicles in specifically identified areas of City parks, City trails or City-managed regional trails for specific activities or events within a limited timeframe. The permits may be issued for activities including but not limited to: maintenance; construction; parks, recreation and leisure activities; loading/unloading equipment and supplies; and park inspections. The City may require proof of insurance or a certificate of insurance naming the City as additionally insured, prior to issuing a permit for a motor vehicle to drive in City parks and trails. For the purposes of this policy, motor vehicles that may be permitted for access in City Parks and trails will include automobiles, trucks, golf carts, neighborhood electric vehicles, mini-trucks, and all-terrain vehicles.
- E. Persons operating a motor vehicle on City parks and trails shall:
  - 1. Yield right-of-way to any pedestrian on the sidewalk or trail. Yielding the right-of-way shall mean leaving the sidewalk or trail if necessary.
  - 2. Slow to a safe speed when approaching and passing other sidewalk or trail users.
  - 3. Ride as close to the right-hand side of the sidewalk or trail as conditions permit.
  - 4. Ride in a prudent and careful manner and at a speed no faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.
  - 5. Stay on the right side of trails marked with a solid yellow centerline.

#### **XV. PETS & ANIMALS**

- A. All persons walking pets on sidewalks, City park trails and regional trails shall comply with all pedestrian policies as listed in Section II above.

- B. All pets shall be leashed and under the handler's control, except for designated off-leash dog exercise areas or training areas.
- C. The maximum allowable length of a leash for use on City park trails and regional trails is 6 feet.
- D. Use of retractable leashes is permitted on City park trails, provided that the length utilized is no greater than 6 feet. The use of retractable leashes is prohibited on regional trails.
- E. Dogs must wear current license and vaccination tags.
- F. Pets on a leash are allowed on all sidewalks, regional trail and City park trails except those designated as bicycle-only.
- G. All persons walking with pets on trails shall yield right-of-way to any pedestrian or individuals utilizing PMDs or OPDMDs.
- H. Pet handlers shall:
  - 1. Possess an appropriate device for cleaning up pet feces.
  - 2. Remove and dispose of their pet's feces in a sanitary manner.
- I. Each owner or handler is legally and financially responsible for the actions of their pet.
- J. Pet handlers shall not:
  - 1. Permit a pet under his/her responsibility to disturb, harass, or interfere with any park visitor, park visitor's property, park employee or other animals in the park.
  - 2. Tether any animal to a tree, plant, building, or park equipment.
- K. Limit of three pets per person on City park trails.
- L. No person shall ride a horse or other animal on any City park trail. This provision shall not apply to the use of riding of horses for law-enforcement purposes.
- M. The use of animal pulled or propelled wheeled conveyances are not permitted on City park trails or regional trails except on designated trails at dates and times designated by special-use permit. These conveyances include but are not limited to: dog sleds, carts, wagons, skijoring device, skis, wheeled skis, or any other sled/ski equipment pulled by a pet or other animal.
- N. Service animals (dogs) are permitted on City park trails and sidewalks as allowed under the American's with Disabilities Act revised regulations of September 15, 2010, effective March 15, 2011:
  - 1. Service animals may accompany people with disabilities in all areas where the public is allowed to access.
  - 2. Only dogs are recognized as service animals.

3. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In the latter case, the individual must have voice, signal or other effective controls.

## **XVI. OTHER NON-MOTORIZED WHEELED CONVEYANCES**

- A. Wheeled conveyances that are powered by the individual user are permitted on regional trails, sidewalks and City park trails, excluding pedestrian-only trails. The wheeled conveyances include but are not limited to: skateboards, in-line skates, push-type scooters and roller skis.
- B. Wheeled conveyances that are powered by wind are not permitted on regional trails, City park trails and sidewalks. These include but are not limited to: land sailing and skate sailing wheeled conveyances.
- C. All persons operating other non-motorized wheeled conveyances shall:
  1. Yield right-of-way to any pedestrian or individual utilizing PMDs or OPDMDs on the sidewalk or trail. Yielding the right-of-way shall mean leaving the sidewalk or trail if necessary.
  2. Slow to a safe speed when approaching and passing other sidewalk or trail users.
  3. Ride as close to the right-hand side of the sidewalk or trail as conditions permit.
  4. Ride in a prudent and careful manner and at a speed no faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.
  5. Stay on the right side of trails marked with a solid yellow centerline.

## **XVII. USE OF TRAILS AND SIDEWALKS IN WINTER**

- A. During the winter months the City plows City sidewalks, park trails and City operated regional trails for public use. The current list of plowed trails is enclosed in Attachment 3. The plowing of sidewalks/trails is prioritized into four groups:
  1. First priority: School walking areas, heavily used wheelchair accessible areas and high use areas by main roads.
  2. Second priority: Walks expanding out from the school and along major roads.
  3. Third priority: Higher density/mixed use commercial areas.
  4. Fourth priority: Residential and industrial areas.

If snow falls over a long time period, the City may repeatedly return to priority one areas before clearing lesser-used areas. Residents are asked to be patient in such situations. Crews will complete the job, but it may take two to three days, depending on weather conditions.

- B. Natural surface trails not plowed by the City during the winter months may be used for winter recreational activities including but not limited to: cross country skiing, sleds pushed or pulled by humans, snowshoeing, winter walking, and winter mountain biking.



- C. Restrictions for pedestrian-only, bicycle-only and other recreational activity use-only trails remain in place during the winter months.
- D. Snowmobiles are prohibited for use in Bloomington.

## **XVIII. CITY PARK TRAIL ASSESSMENTS AND RESTRICTIONS**

City park trails can be categorized into four different types, with specific limitations and justifications as listed below:

### **A. Paved trails**

1. Description of Trails: Unless otherwise designated, these trails are intended for multiple modes of use (pedestrians, bicycles, wheelchairs, etc.) The trail surface is typically bituminous or concrete. These trails accommodate two-way traffic and are generally 8 to 10-feet wide with a 2-foot wide non-paved shoulder. Trail use can be heavy depending on location of trail, day of the week, and time of day.
2. Department of Justice (DOJ) Assessment Factors:
  - a. Size, weight, dimensions, and speed of the device.
  - b. The facility's volume of pedestrian traffic.
  - c. The facility's design and operational characteristics.
3. OPDMDs Allowed/Restrictions:
  - a. No wider than 48 inches to allow for safe passing of other OPDMDs, bicycles, dogs on leash, and pedestrians.
  - b. Length restriction: Must allow for safe passing and turning on trails.
  - c. Speed – Unlawful to operate “at a speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.”

### **B. Wood-chip trails**

1. The City has several wood-chip trails where pedestrian access is granted that may also be suitable for use with an OPDMD. Trail tread width varies depending on trail type, but generally, these trails have irregular tread widths and do not often include trail shoulders. The intent of these trails is to provide an intimate experience in nature; therefore, trees or other natural obstacles may be located close to the trail corridor, and trails could be eroded or muddy. There may be trail boardwalks or bridges that make traversing with an OPDMD more challenging or impassable at times.

### **C. Natural surface trails**

1. Department of Justice (DOJ) Assessment Factors:
  - a. Size, weight, dimensions and speed of device
  - b. The facility's design and operational characteristics
  - c. The potential for serious harm to environmental, natural and cultural resources.
2. OPDMDs Allowed/Restrictions:

- a. No wider than 32 inches to allow for safe passing of other OPDMDs, pedestrians, and bicyclists.
- b. Length restriction: Must allow for safe passing and turning on trails.
- c. Speed restriction: No faster than a pedestrian, generally 7 mph or less.

#### **D. Mountain Biking/Hiking Trails**

1. Description: Mountain biking/hiking trails are narrow, natural surface trails that vary from 24 inches to 48 inches in width with a number of tighter spots. Rocks, logs and other obstacles will be encountered along the trail. The packed soil surface is usually firm and fairly smooth; however, conditions may vary by trail section and as weather conditions change. The trail will be closed temporarily when wet weather results in soft conditions that leave the trail vulnerable to damage from user traffic.

The majority of the Minnesota River valley trails on City property east of Lyndale Avenue are designated as mountain biking/hiking trails.

2. Department of Justice (DOJ) Assessment Factors:
  - a. Size, weight, dimensions and speed of device
  - b. The facility's design and operational characteristics
  - c. The potential for serious harm to environmental, natural and cultural resources.
3. OPDMDs Allowed/Restrictions:
  - a. On all mountain biking/hiking trails, the width of the vehicle should be similar to a two-wheeled bicycle to allow for safe navigation of the trail as well as passing of other OPDMDs, pedestrians, and mountain bikes on wider sections.
  - c. Adaptive bicycles or other OPDMDs must have a wheel size greater than 20 inches to accommodate the terrain of a mountain biking/hiking trail.
  - d. Weight restriction: vehicles must not be heavy enough to leave rut marks or have the power to spin wheels due to the high likelihood that trail rutting and erosion would occur from their use.
  - e. Length restriction: must allow for safe passing and turning on trails.
  - f. Speed restriction: trail users shall not exceed a speed faster than is reasonable and safe with regard to the safety of the trail user and other persons in the immediate area.

#### **XVIV. CLOSURE OF TRAILS**

- A. The City shall have the authority to close City park trails and regional trails when it is in the best interests of the City.
- B. City park trails and regional trails may be closed for a number of reasons including but not limited to: City sponsored parks, recreation or leisure activities; private rentals or events; maintenance or reconstruction of the trails; wildlife management; severe weather conditions (i.e. flooding); or other hazardous conditions.

## **XX. OPERATION OF PMDs ON STREETS**

- A. No person may operate a PMD on a street at a rate of speed that is not reasonable and prudent under the conditions. Every person operating a PMD is responsible for becoming and remaining aware of the actual and potential hazards then existing on the street and must use due care in operating the device.
- B. A PMD may be operated on a street only:
  - 1. While making a direct crossing of a street in a marked or unmarked crosswalk
  - 2. Where no sidewalk is available
  - 3. Where a sidewalk is so obstructed as to prevent safe use;
  - 4. When so directed by a traffic-control device or by a peace officer; or
  - 5. Temporarily in order to gain access to a motor vehicle.
- C. A PMD may not be operated at any time on a street with a speed limit of more than 35 miles per hour except to make a direct crossing of the street in a marked crosswalk.
- D. A PMD may not be operated at any time while carrying more than one person.
- E. A PMD may not be operated on a street unless the device bears reflectorized material on the front, back, and wheels, visible at night from 600 feet when illuminated by the lower beams of headlamps of a motor vehicle.

## **XXI. OPERATION OF MOTORIZED GOLF CARTS ON STREETS**

- A. Operation. Persons who are physically disabled, as defined in Minnesota Statutes Chapter 169, are authorized to operate motorized golf carts on designated roadways or portions thereof within the City.
- B. Permit Required. No person may operate a motorized golf cart without first obtaining a permit as provided herein.
- C. Application. Every application for a permit shall be made on a form supplied by the City and must contain the following information:
  - 1. The name and address of the applicant.
  - 2. The nature of the applicant's physical disability or verification by a physician that the applicant is physically disabled as defined in Minnesota Statutes.
  - 3. The roadways or portions thereof on which the motorized golf cart will be operated.
  - 4. The time of operation of the motorized golf cart.
  - 5. Such other information as the Issuing Authority may require.
- D. Permit Fee. The annual fee for a Motorized Golf Cart Permit shall be as set forth in Section 14.03 of the City Code.

- E. Term of Permit. Permits shall be granted for a period of one year and may be renewed annually.
- F. Conditions of Permit. No permit shall be granted unless the following conditions are met:
  - 1. The applicant fulfills the definition of a "physically disabled person" as defined in Minnesota Statutes, Chapter 169.
  - 2. The applicant must submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart on the roadways designated.
  - 3. The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes, Chapter 169.
- G. Designation of Roadways. The Chief of Police or his or her designee shall work in conjunction with the City Engineer or his or her designee to designate City roadways or portions thereof upon which motorized golf carts will be permitted to operate.
- H. Times of Operation. Motorized golf carts may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see person or vehicles on the roadway at a distance of 500 feet.
- I. Slow Moving Vehicle Emblem. Motorized golf carts must display the slow moving vehicle emblem provided for in Minnesota Statutes, Chapter 169, when operated on designated roadways.
- J. Crossing Intersecting Highways. The operator of a motorized golf cart may cross any street or highway intersecting a designated roadway.
- K. Application of Traffic Laws. Every person operating a motorized golf cart under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minnesota Statutes, Chapter 169, except when those provisions cannot reasonably be applied to motorized golf carts and except as otherwise specifically provided in Minnesota Statutes, Chapter 169.
- L. Suspension or Revocation of Permits. The Chief of Police or his or her designee may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this Section or Minnesota Statutes, Chapter 169, or if there is evidence that the permittee cannot safely operate the motorized golf cart on the designated roadways. The suspension or revocation may be appealed by the service of a written notice of appeal served upon the Issuing Authority within 30 days of the issuance of the suspension or revocation. Thereafter, the Issuing Authority will schedule the appeal for hearing pursuant to the procedures set forth in Section 1.17 of this Code.

*State Statute 169.224 reads as follows: NEIGHBORHOOD AND MEDIUM-SPEED ELECTRIC VEHICLES.*



*Subdivision 1. Definition. For purposes of this section, "road authority" means the commissioner, as to trunk highways; the county board, as to county state-aid highways and county highways; the town board, as to town roads; and the governing body of a city, as to city streets.*

*Subd. 2. Required equipment. Notwithstanding any other law, a neighborhood electric vehicle or a medium-speed electric vehicle may be operated on public streets and highways if it meets all equipment and vehicle safety requirements in Code of Federal Regulations, title 49, section 571.500, and successor requirements.*

*Subd. 3. Operation. A neighborhood electric vehicle or a medium-speed electric vehicle may not be operated on a street or highway with a speed limit greater than 35 miles per hour, except to make a direct crossing of that street or highway.*

*Subd. 4. Restrictions and prohibitions.*

*(a) A road authority, including the commissioner of transportation by order, may prohibit or further restrict the operation of neighborhood electric vehicles and medium-speed electric vehicles on any street or highway under the road authority's jurisdiction.*

*(b) Neither a neighborhood electric vehicle nor a medium-speed electric vehicle may be used to take any examination to demonstrate ability to exercise control in the operation of a motor vehicle as required under section 171.13.*

## **XX. TRAIL SIGNAGE AND MAPS**

- A. Where appropriate, the City shall install signage along City park trails and regional trails to: provide effective information and direction for people to find their way around the trail; trail safety and usage information; communicate park regulations; encourage learning experiences; accessibility information; and help maintain the image or brand of the park.
- B. Trail signage shall conform to the City's current park signs guidelines.
- C. Placement of signs on City park trails and regional trails by the general public is by permit only.
- D. The City maintains park maps and trail maps for use by the general public. Maps are available at the City of Bloomington Parks and Recreation Division, 952-563-8877 or at [www.ci.bloomington.mn.us](http://www.ci.bloomington.mn.us).

**XXI. POLICY ENFORCEMENT**

- A. All persons utilizing City park trails, regional trails and sidewalks shall comply with all regulations as established in the City Code, as well as the trail use policies set forth in this document. Failure to comply may result in revocation of park or trail use permits and/or other legal action.
- B. Members of the general public who wish to report a concern, or a minor violation of City park regulations or trail use policies should contact the City of Bloomington Parks and Recreation Division, 952-563-8877 or at [parksrec@ci.bloomington.mn.us](mailto:parksrec@ci.bloomington.mn.us).
- C. Members of the public who witness a crime, an egregious violation of park regulations, or any other emergency situation occurring in a City park, sidewalk or trail should contact the Bloomington Police Department by calling 911.